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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,080	09/18/2003	Michael P. Corcoran	C516.12-0006	8975
164	7590	09/07/2005		
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			EXAMINER MENDOZA, MICHAEL G	
			ART UNIT 3731	PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,080

Applicant(s)

CORCORAN ET AL.

Examiner

Michael G. Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16 and 25-32 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7, 8, 17, 23, 24 and 33 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 18-24 and 34-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03, 8/26/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7, 8, 17, 23, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer et al. 6402771.

3. As to claims 1, 7, 8, 17, 23, and 24, Palmer teaches an occlusion device comprising: a left side; a right side spaced from and connected to the left side; and a self centering mechanism comprising at least three rings located between the left and right sides wherein: a first ring is connected to the left side; a second ring is connected to the first ring; a third ring is connected to the second ring and to the right side; wherein the rings comprise a non-thrombogenic material; wherein the rings comprise biocompatible wire.

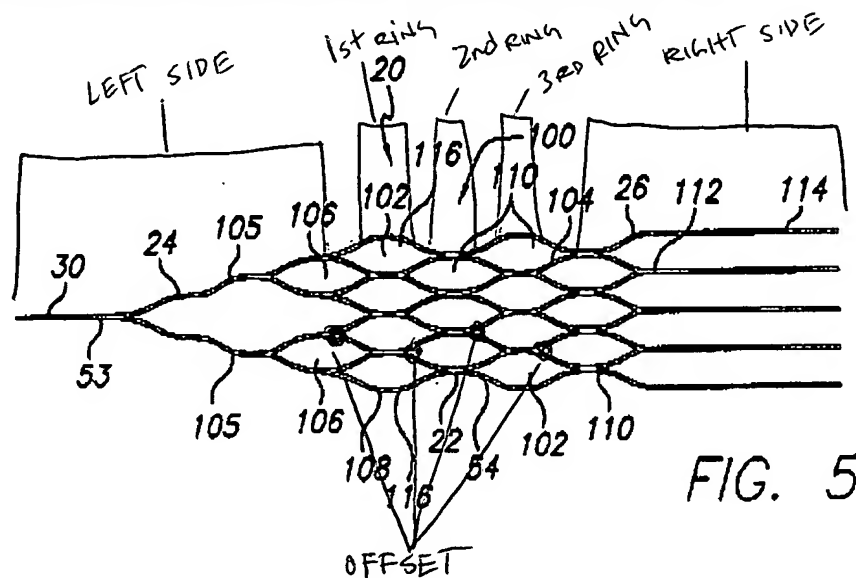
4. Claim 4 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Palmer et al.

5. Claim 4 is a product-by-process claim. The claimed product appears to be the same or similar to that of the prior art, although produced by a different process.

Product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps.

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6. As to claim 5, Palmer teaches wherein the laminated locations connecting the first ring to the left side are offset from the laminated locations connecting the second ring to the first ring, the laminated locations connecting the second ring to the third ring are offset from the laminated locations connecting the first ring to the second ring, and the laminated locations connecting the third ring to the right side are offset from the laminated locations connecting the third ring to the second ring.



7. Claims 1, 4, 7, 17, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Khairkhahan et al. US 2002/0111647 A1.

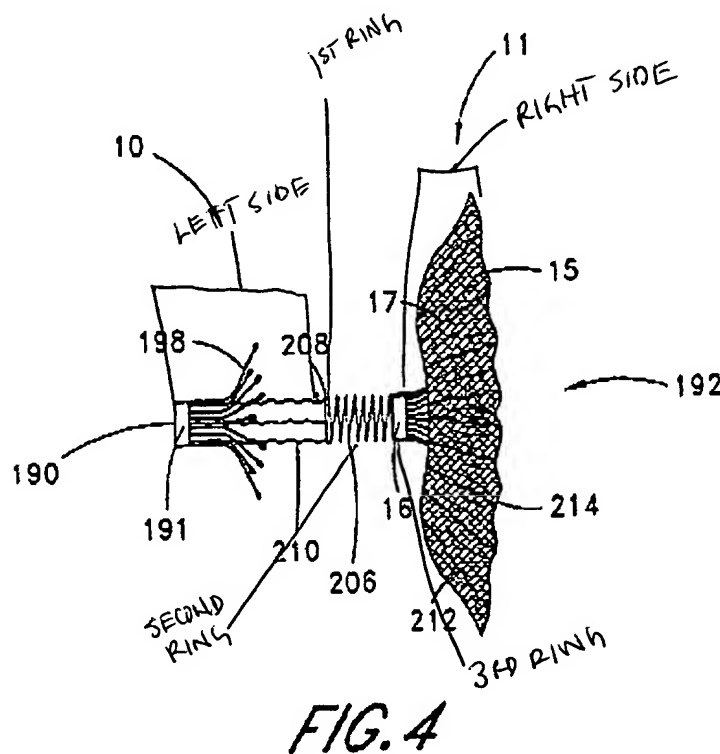
8. As to claims 1, 7, 17, and 23, Khairkhahan et al. teaches an occlusion device comprising: a left side; a right side spaced from and connected to the left side; and a self centering mechanism comprising at least three rings located between the left and right sides wherein: a first ring is connected to the left side; a second ring is connected to the first ring; a third ring is connected to the second ring and to the right side; and wherein the rings comprise a non-thrombogenic material.

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9. Claim 4 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Khairkhan et al.

10. Claim 4 is a product-by-process claim. The claimed product appears to be the same or similar to that of the prior art, although produced by a different process.

Product-by-process claims are not limited to the manipulation of the recited steps, only the structure implied by the steps.

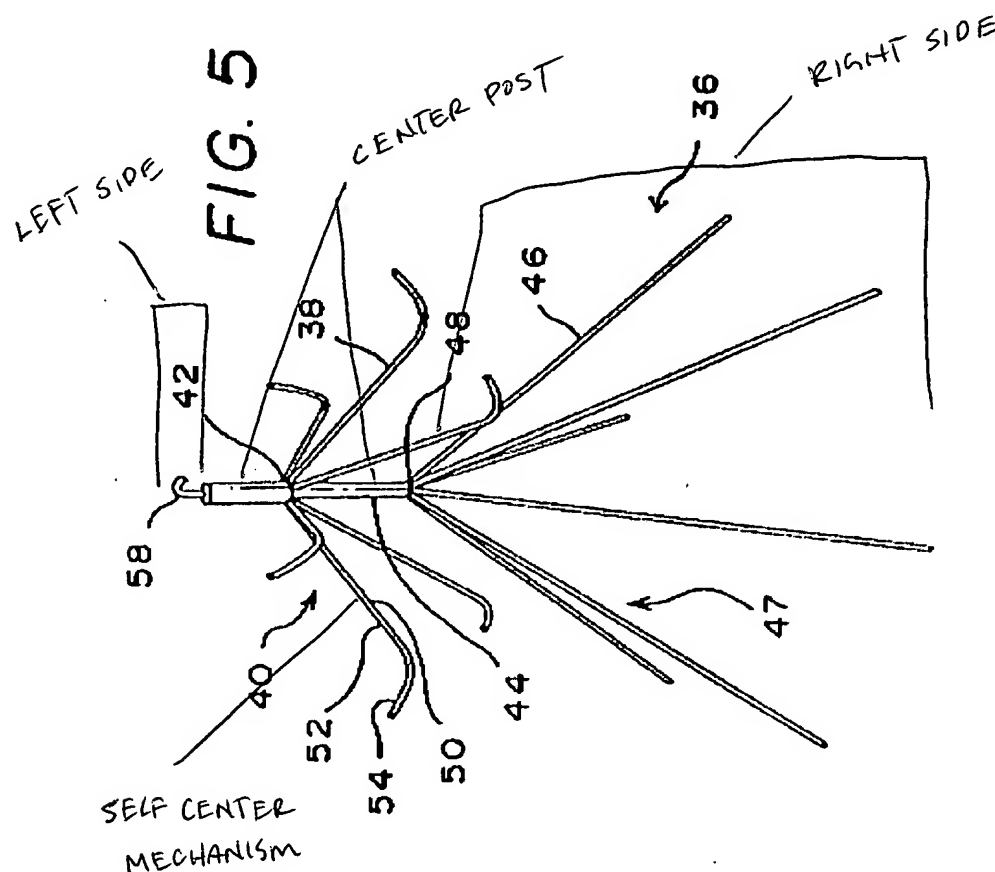


11. Claim 33 is rejected under 35 U.S.C. 102(b) as being anticipated by Simon et al. 5836968.

12. Simon et al. Teaches an occlusion device comprising: a left side; a right side; a center post connecting the left side to the right side and configured to extend through an aperture; a self centering mechanism located between the left and right sides and

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surrounding the center post wherein the self centering mechanism fills the aperture radially around the center post.



Allowable Subject Matter

13. Claims 9-16 and 25-31 are allowable over the prior art of record.
14. Claims 2, 3, 6, 18-24, and 34-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
15. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or render obvious the overall claimed invention of an occlusion device comprising: a center post; a first and second sets of

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arms connected to the center post, the first and second set of arms comprising at least five arm; and a self centering mechanism comprising a plurality of flexible rings wherein: a first ring is connected to the first set of arms; a second ring is connected to the first ring; a third ring is connected to the second ring and to the second set of arms; or a self centering mechanism comprising a flexible honeycomb structure surround the center post and connected between the first and second set of arms.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael G. Mendoza whose telephone number is (571) 272-4698. The examiner can normally be reached on Mon.-Fri. 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-44963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GLENN K. DAI
PRIMARY EXAMINER

